

Remarks

Claims 1-23 are in the case. All claims stand rejected under 35 U.S.C. §103 as being obvious over a combination of references that include U.S. Patent No. 6,932,388 to Few et al.

The applicant respectfully asserts that, based upon the evidence of record, as more fully explained below, including the 37 C.F.R. 1.131 Declaration previously submitted, the '388 patent to Few et al does not qualify as a prior art reference to the claims of instant application, and thus none of the respective combinations of prior art render the claims unpatentable under §103.

First, the Examiner cites the '388 patent as the only prior art reference in the respective combinations that teach many of the claim limitations, including dimples/projections, and many of the features of the trailer frame members method of attachment to each other. In other words, if the '388 patent is totally removed from use as a prior art reference, all claims should be considered allowable.

Each claim in the instant application as amended requires a dimple and/or projection in the bracket, a feature only alleged to be disclosed by the '388 patent.

The filing date of the '388 patent is November 7, 2001. Earlier in the prosecution of the instant application, the applicants submitted a Declaration under 37 C.F.R. 1.131 ("the Declaration") that established a reduction to practice of the present invention at least as early as October 25, 2001. The examiner indicated in the Office Action of February 2, 2006 that the prior Declaration was insufficient to disqualify the '388 patent as prior art for two reasons: (1) the '388 patent has a provisional filing date of November 2000; and, (2) the Declaration included

drawings that did not include dates to establish reduction to practice at least by the October 25, 2001 date. The applicants will discuss each assertion hereafter.

With regard to the '388 patent having a priority date back the provisional filing date—November 2000—the applicant respectfully asserts that nothing in the provisional application teaches, suggests, or discloses the dimple/projection feature. The applicant has included a copy of the provisional application as Appendix 1. Therefore, the dimple/projection feature of the '338 patent is only entitled to the benefit of its November 2001 nonprovisional application filing date.

With regard to the Declaration not having dates to prove completion of the invention prior to October 2001, the applicants respectfully submit that specific dates are not required to establish a completion date. MPEP 715 sets out the requirements for 37 C.F.R. 1.131 Declarations. MPEP 715.07, in Section II entitled "Establishment of Dates," states that:

If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration.

When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date. (emphasis added)

As such, at least the dimple/projection feature of the '338 has a priority date no earlier than the filing date of the nonprovisional application, *i.e.*, November 7, 2001. Additionally, the prior 1.131 Declaration did not require the actual dates on the drawings to establish completion of the invention. Therefore, since the applicants have already established completion of the invention of the instant application at least as early as October 25, 2001, which is prior to the

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effective date of the '338 patent with regard to the dimple/projection feature, the applicants respectfully assert that '338 patent does not qualify as prior art, at least with regard to teaching the dimples/projections. As such, the applicants respectfully assert that all the claims are allowable for at least this reason.

Based on the foregoing, the applicant respectfully asserts that all claims are allowable, and requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Ed Crooks", written in a cursive style.

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